

OFFICIAL COUNCIL PROCEEDINGS

A regular meeting of the City Council of the City of Menomonie, Dunn County, Wisconsin, was held in open session on September 8, 2009, and called to order by Mayor Kropp at 7:00 p.m. in the City Council Chambers. The following members were present: Smith, Traxler, Soviak, Kemp, Schwebs, Kolve, Solberg, Brogan, Beety and Gabriel.

MOTION was made by Beety, seconded by Kemp, and carried to approve the minutes of the August 17, 2009 meeting.

PUBLIC HEARING Mayor Kropp announced time for the public hearing regarding the request from Quality Liquid Feeds, Inc. (QLF) to rezone Lot 10, Block 26, Menomonie Junction Addition; and Lot 3, Certified Survey Map #3511, Volume 16, Page 131, from Limited Multiple Residential District to Restricted Industrial District.

Randy Eide, Public Works Director, gave an overview of the rezoning request and stated that the Plan Commission gave a favorable recommendation.

Tom Hubbard further described the proposed expansion project and stated that this is the most economical site for QLF due to the fact that it has an existing rail spur.

Dave White spoke in opposition to the proposed rezoning and questioned if an environmental study had been done for this location.

Dale Schmitz, DKS Construction, spoke in support of the proposed rezoning and stated that he does not think that environmental issues are a concern because QLF will be closely monitored by the Department of Natural Resources. Hearing closed.

PUBLIC COMMENTS Blaine Halverson, Executive Director of the Menomonie Theater Guild, described his request to use city Lot #12, hold an outdoor public dance and to sell beer on the Menomonie Theater Guild property (502 W. 2nd Street) at the intersection of 6th Avenue and 2nd Street West for a fund-raising event (MTG's Oktoberfest Celebration) on October 9th and 10th, 2009.

Anoop Balachandran, Health & Fitness Coordinator, UW-Stout, asked the Council to support the request to use city walk/road ways for the 5th Annual Blue Devil Run/Walk on October 3, 2009.

Lucy Lammer, representing Lammer's Food Fest, described her request to amend the licensed premises of Lammer's Food, Inc. to allow the sale of beer and liquor in a designated area in their parking lot from 10:00 a.m. to 6:00 p.m. on October 1st and 2nd, 2009.

Ron Bray, Race Director for the National Straightline Snowmobile Racing, requested approval to hold a National Straightline Snowmobile Racing Event on January 30, 2010 on Lake Menomin.

Kevin Peterson requested the Council to modify the Developer's Agreement with the City that he signed on September 3, 2008 which required the installation and construction of an asphalt driveway at his property located at 2432 2nd Street East, and asked that he be allowed to keep the current crushed rock driveway.

Brad Carey, representing the Wal-Mart Transportation Team, requested permission to conduct a Miracles for Kids 5K Run and ½ Marathon fund raiser (event to start at the UW-Stout Nelson Field) on October 24, 2009 from 7:00 a.m. to 2:00 p.m.

Jeff Hoyt encouraged the City Council to enforce the requirements of the Developer's Agreement with Kevin Peterson that was agreed to in September of 2008, and require the construction of an asphalt driveway at 2432 2nd Street East.

Salvador Mendez, representing Cancun Mendez Nunez, LLC, requested approval of his application for a Class B beer and liquor license for his new business, Real Cancun Cousin at 2401 Hwy. 25 North, Unit 202, and he stated he was available for any questions.

RESOLUTION NO. 18 providing for the issuance, sale and delivery of \$1,720,000 Water System Revenue Bonds, Series 2009A, of the City of Menomonie, Wisconsin; establishing the terms and conditions

therefor; directing their execution and delivery; creating a special redemption fund therefor; and awarding the sale thereof was introduced and moved for adoption by Smith, seconded by Beety, and carried on roll call vote.

ORDINANCE MOTION to waive the first reading of the ordinance to rezone Lot 10, Block 26, Menomonie Junction Addition; and Lot 3, Certified Survey Map #3511, Volume 16, Page 131 from Limited Multiple Residential District to Restricted Industrial District was made by Kolve, seconded by Schwebs, and carried. MOTION to waive the second reading was made by Beety, seconded by Kolve, and carried. MOTION to adopt the ordinance was made by Brogan and seconded by Beety.

MOTION to suspend the rules to hear from representatives of Quality Liquid Feeds was made by Smith, seconded by Brogan, and carried. Larry Galetka, Plant Manager, answered questions relating to the site plan, entrances and exits that will be utilized, and hours of operation for the business.

ORIGINAL MOTION carried with Smith and Traxler opposed.

MOTION was made by Soviak, seconded by Schwebs, and carried to suspend the rules to hear from Jim Swanson, 1331 Mathews Street. Mr. Swanson, representing the Urban Deer Herd Reduction Committee, stated that the Committee met recently and that they will try to identify additional suitable areas for conducting the deer herd reduction program in the City of Menomonie, and that they will continue to formulate a more detailed plan for next year and for an ongoing annual reduction program.

Jess Carstens, Wildlife Biologist with the Wisconsin Department of Natural Resources, encouraged the Administration to enforce the current ordinance which bans the feeding of deer, and he spoke highly of the City of Altoona's bow hunting ordinance and stated Menomonie might want to consider adopting a similar ordinance.

MOTION was made by Beety, seconded by Brogan, and carried on roll call vote authorizing the Administration to release the remaining city commitment (\$5,000) to the Dog Park project.

DISCUSSION occurred relating to the request from Kevin Peterson to amend the development agreement with the City and not require the construction of an asphalt driveway across city property to his residential property at 2432 2nd Street East. The Council took no action on the request thereby requiring construction of the asphalt driveway, as originally agreed to.

MOTION was made by Traxler, seconded by Smith, and carried to approve the following event requests to use various public facilities, right-of-ways, or receive other city support:

- ▶ UW-Stout University Recreation - 5th Annual Blue Devil Run/Walk on October 3, 2009;
- ▶ UW-Stout Intramural Sports Program - Wakanda Park hours extension until midnight for the Intramural Softball League on Sunday through Thursday's, beginning September 20, 2009 and ending on October 18, 2009;
- ▶ The Wal-Mart Transportation and Distribution Team - Miracles for Kids 5K Run & ½ Marathon on October 24, 2009 from 7:00 a.m. to 2:00 p.m., beginning at the UW-Stout Nelson Field;
- ▶ United Way of Dunn County and Big Brothers Big Sisters - Penguin Plunge on Lake Menomin, February 6, 2010; and
- ▶ National Straightline Snowmobile Racing, Inc. - NSSR Event, January 30, 2010 on Lake Menomin.

MOTION was made by Soviak, seconded by Schwebs, and carried to approve the request from Menomonie Theater Guild for an outdoor dance permit and use of city Lot 12 on October 9th and 10th, 2009 for a fall fund-raising event (Oktoberfest Celebration).

MOTION was made by Smith, seconded by Kolve, and carried to approve the proposed agreement extension with the County of Dunn for the collection of real and personal property taxes for the years 2009 - 2011.

MOTION was made by Kemp, seconded by Gabriel, and carried on roll call vote to approve the request from the Street Department and authorize the sale of 139 surplus railroad ties for \$1,112 (which is \$8.00 each) for the entire stock pile.

MOTION endorsing the updated 2010 - 2014 Capital Improvements Plan, as presented, was made by Kolve, seconded by Solberg, and carried.

BUDGET TRANSFERS MOTION was made by Schwebs, seconded by Smith, and carried on roll call vote to approve the following 2008 year end budget transfers:

<u>2008 year end budget transfers</u>			
<u>Transfer from Contingency</u>		<u>Debit</u>	<u>Credit</u>
Health Insurance - Health Insurance	01.51973.154	98,325.00	
Health Insurance - Shots/Testing	01.51973.162	1,123.00	
Contingency	01.60000.699		99,448.00
Animal Control - Wages, Full-time	01.53430.121	28,474.00	
Animal Control - Overtime, Full-time	01.53430.122	13.00	
Animal Control - Veterinary Services	01.53430.219	130.00	
Animal Control - Vehicle Repair	01.53430.241	29.00	
Animal Control - Radio Maint. Contract	01.53430.242	175.00	
Animal Control - Uniforms/Acc./Prot. Wear	01.53430.446	250.00	
Animal Control - Vehicle Fuel	01.53430.451	189.00	
Contingency	01.60000.699		29,260.00
Dutch Elm Disease - Wages	01.56120.121	3,795.00	
Dutch Elm Disease - Other Dept. Wages	01.56120.123	227.00	
Dutch Elm Disease - Contractual Repairs/Serv	01.56120.226	369.00	
Dutch Elm Disease - Tree Removal	01.56120.245	1,345.00	
Dutch Elm Disease - Stump Removal	01.56120.244	60.00	
Dutch Elm Disease - Other Dept. Labor/Equip.	01.56120.248	107.00	
Dutch Elm Disease - Legal Publications	01.56120.421	150.00	
Dutch Elm Disease - Assessment Adjustments	01.56120.491	100.00	
Weed Control - Wages	01.56130.121	8,211.00	
Weed Control - Overtime, Full-time	01.56130.122	200.00	
Weed Control - Part-time, Seasonal	01.56130.122	200.00	
Weed Control - Vehicle Repair	01.56130.241	150.00	
Weed Control - Vehicle Fuel	01.56130.451	750.00	
Weed Control - Vehicle Maintenance	01.56130.452	650.00	
Weed Control - Materials/Supplies	01.56130.476	320.00	
Plan Com. - W. Central WI Reg. Plan Com.	01.56320.209	2,000.00	
Plan Com. - Consulting Services	01.56320.220	12,765.00	
Plan Com. - Fin. Assist.-Historic Pres.	01.56320.304	1,921.00	
Plan Com. - Custom Office Supplies	01.56320.412	471.00	
Bd. of Zoning - Program Supplies	01.56330.445	300.00	
Adv. & Promotion - City Web Site	01.56350.249	1,546.00	
Adv. & Promotion - Office Supplies	01.56350.410	150.00	
Adv. & Promotion - Postage	01.56350.411	100.00	
Adv. & Promotion - Customer Office Supplies	01.56350.412	1,389.00	
Adv. & Promotion - Advertising	01.56350.426	347.00	
Econ. Dev. - Advertising	01.56510.426	2,335.00	
Econ. Dev. - Out of Town Travel	01.56510.434	1,474.00	
Econ. Dev. - Exp. Reimbursement	01.56510.490	813.00	
Contingency	01.60000.699		42,245.00
Library - Fin. Assistance	01.55110.302	425,390.00	
Contingency	01.60000.699		425,390.00
Transfer to Contingency		<u>Debit</u>	<u>Credit</u>
Contingency	01.60000.699	148,236.00	
Police - Salaries	01.52110.111		92,100.00
Police - Overtime	01.52110.112		50,373.00
Police - Fuel	01.52110.451		5,763.00
Contingency	01.60000.699	185,453.00	
Fuel	01.54140.457		120,694.00
Street Lighting - Electricity	01.54420.222		10,152.00

Street Lighting - Parts & Repair Supplies	01.54420.453		8,327.00
Storm Sewers - Utility Labor/Equipment	01.54450.227		4,819.00
Airport - Vehicle Fuel	01.54530.451		41,461.00
Contingency	01.60000.699	85,537.00	
LSC - Building Improvements	01.55130.781		31,319.00
Recreation - Wages Part-time, Seasonal	01.55210.125		19,305.00
Pool & Beach - Gas/Heating Fuel	01.55220.224		9,906.00
Pool & Beach - Building & Improve.	01.55220.781		24,807.00
Contingency	01.60000.699	425,390.00	
Trans. to Other Funds-Trans of Funds	01.59910.698		425,390.00

Unanticipated Revenue Account Adjustments to Contingency

Airport Revenue	01.44450	22,467.00	
Donations from Org. & Individuals	01.47130	21,560.00	
Sale & Transfer of Fuel	01.44591	131,915.00	
Contingency	01.60000.699		175,942.00

2008 General Fund Summary of Adjustments

2008 Balance Remaining in contingency account	72,923.00
2008 Transfer to Contingency from expense accounts	596,343.00
2008 Transfer to Contingency from revenue accounts	175,942.00
Less: 2008 Transfer from Contingency	-844,616.00
Final 2008 Contingency Balance	592.00

2009 Budget Transfers

\$3,000 from Recreation 01.55210.254 Facility Rent to 01.55210.480 Ball Diamond Improvements; and \$12,500 from Contingency 01.60000.699 to Airport 01.54530.789 Grounds & Improvements.

APPOINTMENT Mayor Kropp announced that he is appointing Jan Pierce to the Police and Fire

Commission (to fill the vacancy from Mary Solberg) and that Council confirmation is not required.

MAYOR'S REPORT Mayor Kropp announced that the agenda packet included the following:

- ▶ a letter of resignation from Julie Riedel, Ward Five Alderperson;
- ▶ a report from the Wisconsin DNR relating to the Sewer Utility Compliance Maintenance Annual Report;
- ▶ A form created by the Urban Forestry Board to accept donations for a wood sculpture to be located at Cedarama Park;
- ▶ results from a police department alcohol compliance check;
- ▶ the August building inspection report;
- ▶ a notice from the Wisconsin DOT regarding approval of funding for the Stokke Parkway to CTH "B" project and the 21st Avenue South to Crescent Street project.

MOTION was made by Solberg, seconded by Kolve, and carried on roll call vote to approve payment of the following claims:

Claims

Alltel	\$ 853.67
Amedeo Greco	3,063.00
Cedar Corporation	148,036.00
Cornerstone Pavers	253,264.58
Ehlers & Associates	13,000.00
Environmental Equip. & Services	107.39
Fire Safety Media	615.00
Flatwork Specialists, LLC	950.00
Genesis Lamp Corp.	175.05
Hawkins	6,480.17
Intoximeters	1,950.00
John Dotseth Trucking, Inc.	1,065.79
KLM Engineering, Inc.	15,835.00
Metropolitan Service Co.	251.65
Schneider Electric Motor	697.12
Scott Construction, Inc.	94,699.80
Ward Aviation	82.99

Parking Utility Claims

City Treasurer	\$ 4,817.98
Schilling Supply Co.	967.50
Scott Construction, Inc.	11,965.69
Steel Towne	440.00
Janet Thorson	34.99

LICENSES MOTION was made by Beety, seconded by Brogan, and carried to approve the following licenses:

Temporary Class “B” Beer License:

Menomonie Theater Guild, 502 W. 2nd Street, (licensed area = the private parking lot to the north of the building only) during the following times:

October 9, 2009 from 4:00 p.m. to 11:00 p.m.; and

October 10, 2009 from 1:00 p.m. to 11:00 p.m.

Public Dance Permit: Menomonie Theater Guild, 502 W. 2nd Street and City parking lot #12 during the following times:

October 9, 2009 from 4:00 p.m. to 11:00 p.m.; and

October 10, 2009 from 10:00 a.m. to 11:00 p.m.

WHOLESALE BEER (Change of Agent):

Lucette Brewing Company, L.L.C. (Lucette Brewing Company, LLC – 910 Hudson Road), New Agent – Michael P. Wilson. **SUBJECT TO COMPLETION OF BARTENDING COURSE.**

OPERATORS: Jamey M. Benson; Trisha J. Borchardt; Brenda L. Carpenter; DeAnne M. Duval; Kathy J. Forster; Amy M. Freund; Lindsey M. Geissler; Nicole L. Hill; Nicole L. Jolin; Heather L. Murphy; Mary K. Overman; Michele M. Register; Andrew W. Schauwitzer; Karen K. Sylvester; Ashley L. Trunkel; Jennifer R. VanderHeiben.

TAXI CAB DRIVER: Jason C. Witt.

MOTION to deny the request from Lammer’s Food, Inc. (Lammer’s Food Fest, 1408 9th Street) for an amendment to the licensed premises for their Class “A” Beer and “Class A” Liquor license to allow an “Outdoor Beverage Sale” on October 1st and 2nd, 2009 was made by Traxler, seconded by Kemp, and carried on the following roll call vote: Ayes: Smith, Traxler, Kemp, Schwebs, Beety and Gabriel. Noes: Soviak, Kolve, Solberg and Brogan.

MOTION was made by Soviak, seconded by Smith, and carried with Gabriel opposed to approve the request from Cancun Mendez Nunez, LLC for a Class “B” Beer and a “Class B” Liquor license for Real Cancun Cousin, 2401 Hwy. 25 North, Unit 202, subject to providing a copy of the Wisconsin Seller’s Permit and the Federal Employer Identification Number, and subject to final inspection.

MOTION to adjourn was made by Smith, seconded by Soviak, and carried.

JoAnn L. Kadinger, City Clerk